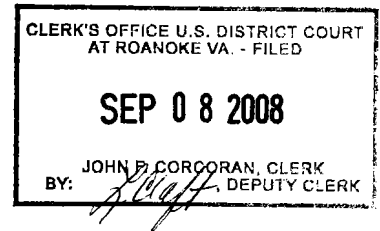


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



ALFONSO CHACON,
Plaintiff,

v.

DR. OFOGH, et al.,
Defendants.

)
)
)
)
)
)
)

Civil Action No. 7:08cv00046

ORDER

By: Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable Michael F. Urbanski, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that the court grant summary judgment to defendants Ofogh, Schilling, and Rowlett and dismiss plaintiff's claim against Phipps for failure to state a claim upon which relief can be granted. Objections to the report and recommendation have not been filed, and the court, upon review of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED and ADJUDGED** that summary judgment is entered for defendants, Ofogh, Schilling, and Rowlett and plaintiff's claims against Phipps are dismissed for failure to state a claim upon which relief can be granted.

ENTER: this September 8, 2008.

UNITED STATES DISTRICT JUDGE